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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,330	11/06/2003	Larry R. Cox	58950US002	7914
32692	7590	08/24/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			LE, THANH TAM T	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			2839	

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/702,330		COX, LARRY R. <i>AK</i>	
	Examiner		Art Unit	
	Thanh-Tam T. Le		2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-23, 26-35 is/are rejected.
- 7) ☒ Claim(s) 7-9, 24 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, *"the housing comprises a plurality of the cavities, a second anchor mounted on the second end of the cable, and a second housing, wherein the second anchor is mounted in the second housing, (the limitations above in claims 10, 14-15 and 29)"* must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 14-15 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The limitations: a second anchor and a second housing are not described in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Corke et al. (4,948,222).

Corke et al., figures 2 and 3, disclose an anchored fiber cable and housing assembly, comprising:

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- a fiber optic cable (6) comprising a strength member (18) and jacket (17) around the strength member, wherein the cable including a first end and a second end;
- an anchor (10) including a first end and a second end, wherein the cable is mounted in the anchor such that the first end of the anchor lies toward the first end of the cable, and wherein the strength member including a first end extending from the first end of the cable and structurally engaged with the anchor; and
- a housing (1) comprising an anchor cavity (15) and a cable inlet, the anchor cavity comprising a first shoulder for engaging with the anchor, wherein the anchor is mounted in the housing cavity and the cable extending through the cable inlet, and wherein the first shoulder is engaged with the anchor to prevent the anchor from exiting the housing through the cable inlet (since the housing 1 is a box with peripheral side walls, figure 2 shows the anchor 10 is mounted on one of the side walls)..

Regarding claim 2, the fiber optic cable including a plurality of optical fibers (11) in the jacket.

Regarding claim 10, figures 1 and 7, wherein the housing comprising a plurality of the cavities (5), and a plurality of cables (6) and anchors (10), each anchor is mounted in a respective one of the cavities.

7. Claims 1-6, 11-13, 16-23, 26-28 and 30-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Abendschein et al. (4,795,229).

Regarding claims 1 and 18, Abendschein et al., figures 2 and 3, disclose an anchored fiber cable and housing assembly, comprising:

- a fiber optic cable (25) comprising a strength member (33) and jacket (32) around the strength member, wherein the cable including a first end and a second end;
- an anchor (18) including a first end and a second end, wherein the cable is mounted in the anchor such that the first end of the anchor lies toward the first end of the cable, and wherein the strength member including a first end extending from the first end of the cable and structurally engaged with the anchor; and
- a housing (16) comprising an anchor cavity (51) and a cable inlet (53), the anchor cavity comprising a first shoulder (see a figure below) for engaging with the anchor, wherein the anchor is mounted in the housing cavity and the cable extending through the cable inlet, and wherein the first shoulder is engaged with the anchor to prevent the anchor from exiting the housing through the cable inlet.

Regarding claims 2-3 and 19-20, the fiber optic cable including an optical fibers (31) in the jacket. The plurality of optical fibers comprising a ribbon arrangement.

Regarding claims 4-5 and 21-22, the strength member comprising a plurality of filaments. The filaments comprising aramid filaments.

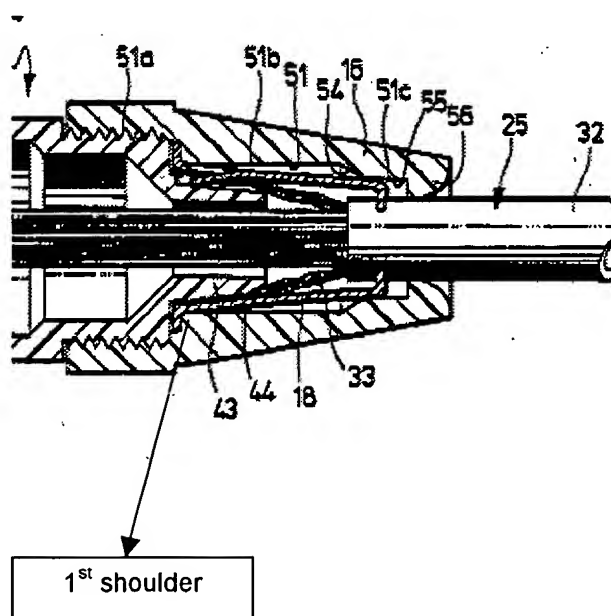
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Regarding claims 6 and 23, the anchor comprising a slot (a slot created a finger (68)) open to the second end of the anchor, and wherein the strength member is structurally engaged with the slot (figure 3).

Regarding claims 11-13 and 26-28, the housing comprising a fiber optic fan-out assembly, a fiber optic shuffle and an optical connector.

Regarding claims 16 and 30, the optical fiber may move transversely within the jacket without significantly adversely affecting the signal transmitting capability of the optical fiber.

Regarding claim 17, wherein the housing comprising an optical fiber outlet (56), and wherein the anchor cavity is configured to prevent the anchor from exiting through the optical outlet.



Regarding claims 31-35, the features in the method claims are identical to those in the apparatus claims. Therefore, the method of anchoring a fiber optic cable in a housing alone is not a patentable features.

Allowable Subject Matter

8. Claims 7-9 and 24-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is an examiner's statement of reasons for allowance:

None of the reference discloses the jacket includes a first flap extending from the first end, and wherein the first flap extending over the anchor from the first end of the anchor in the direction towards the second end, in combination with the other claimed elements of the embodiments recited.

10. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Tam T. Le whose telephone number is 571-272-2094. The examiner can normally be reached on 7:30-5:00.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL.
8/12/04



T. Le